

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 04-4830 (DSD/SRN)

John W. Osborne,

Plaintiff,

v.

**ORDER**

Northwest Airlines,

Defendant.

John W. Osborne, 621 Ridge Field Road, Kingsport, TN  
37660, pro se.

Timothy R. Thornton, Esq., Timothy G. Gelinske, Esq. and  
Briggs and Morgan, P.A., 2200 IDS Center, 80 South Eighth  
Street, Minneapolis, MN 55402, counsel for defendant.

**AMENDED COST JUDGMENT**

This matter is before the court upon plaintiff's motion to review and amend the clerk's award of costs. Plaintiff argues that the taxation of hearing transcript costs and two pro hac vice admission fees were unnecessary. Defendant does not respond to the merits of plaintiff's argument, but rather asserts that his motion is improper. To the contrary, Federal Rule of Civil Procedure 54(d)(1) expressly allows a party to move the court to review the clerk's award of costs within five days after taxation. Here, plaintiff filed a timely motion to review costs.

Upon reviewing the entire record and considering plaintiff's arguments, the court finds that at least one pro hac vice admission was necessary for defendant's case because plaintiff initially

filed his action in Tennessee. See Burton v. R.J. Reynolds Tobacco Co., 395 F. Supp. 2d 1065, 1077 (D. Kan. 2005) (awarding pro hac vice fee as "necessarily incurred in this case"). As to the remaining pro hac vice admission fee and the hearing transcript costs, the court finds that there is no indication those costs were necessary for defendant's case. Therefore, those costs will not be taxed.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff's motion for taxation of costs [Doc. No. 92] is granted in part;

2. Costs shall be taxed and allowed by the Clerk of Court as follows:

	<u>Claimed</u>	<u>Allowed</u>
Fees of the Clerk	\$120.00	\$60.00
Fees of the Court Reporter	\$ 70.70	\$0
Docket Fees Under 28 U.S.C. § 1923	\$ 5.00	\$ 5.00
TOTAL	\$195.70	\$65.00

3. Costs, therefore, are taxed in the sum of Sixty-Five and no/100 Dollars (\$65.00) in favor of defendant Northwest Airlines, and against plaintiff John W. Osborne.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: December 22, 2005

s/David S. Doty  
David S. Doty, Judge  
United States District Court